

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU
BOARD OF EXAMINERS IN MORTUARY SCIENCE

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
CORPORATIONS, SECURITIES & COMMERCIAL
LICENSING BUREAU

Complainant,

v

HUTCHINS FUNERAL HOME
ROLAND T. HUTCHINS, OWNER
Mortuary Science Establishment
License No. 45-02-000699

Complaint No. 344438

and

ROLAND T. HUTCHINS
Mortuary Science
License No. 45-01-005076

Complaint No. 344439

Respondents.

/

FORMAL COMPLAINT

The Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau (“Department”), Complainant, under the Occupational Code (“Occupational Code”), MCL 328.101 *et seq.*, and its associated administrative rules, alleges as follows:

FACTUAL ALLEGATIONS

1. Hutchins Funeral Home, Roland T., Hutchins, Owner (“Hutchins Funeral Home”), has, at all times relevant to this Formal Complaint (“Complaint”), been licensed as a mortuary science establishment, under Article 18 of the Occupational Code, MCL 339.1801 *et*

seq. Hutchins Funeral Home has also, at all times relevant to this Complaint, been registered under the Prepaid Funeral and Cemetery Sales Act, MCL 328.211 *et seq.* (“Prepaid Act”).

2. Roland T. Hutchins (“Hutchins”) has, at all times relevant to this Complaint, been licensed as a mortuary science practitioner and is the designated manager of Hutchins Funeral Home under Article 18 of the Occupational Code.

3. From August 23, 2021, through August 26, 2021, Department personnel conducted an investigation of the Hutchins Funeral Home’s activities and an examination of its books, records, contracts, and other documents relating to prepaid contracts, under MCL 328.230(1).

4. Under section 12 of the Prepaid Act, MCL 328.222, the Hutchins Funeral Home had the following duties in connection with the funds received for prepaid funeral and cemetery services and merchandise:

- a. to deposit the monies received with an authorized escrow agent, MCL 328.222(1); and
- b. to deposit the monies received with an escrow agent within thirty (30) days of receipt, MCL 328.222(6).

5. Section 604 of the Occupational Code, MCL 339.604, provides the following in relevant parts:

A person who violates 1 or more of the following shall be subject to the penalties prescribed in section 602:

(b) Practices fraud, deceit, or dishonesty in practicing an occupation.

* * *

(g) Commits an act which demonstrates incompetence

6. The Department's investigation referenced above determined that, as of July 31, 2021, Hutchins Funeral Home failed to deposit at least \$62,975.72 received for prepaid funeral and cemetery goods or services related to fourteen prepaid contracts with an authorized escrow agent.

7. At the time of the Department's investigation, this \$62,975.72 represented 22.88% of the funds that Respondent properly held in an escrow account from the sale of prepaid funeral and cemetery goods or services.

8. Additionally, the Department's investigation discovered one instance where Respondent failed to deposit \$2,729.00 received for prepaid funeral and cemetery goods or services related to one prepaid contract, but Respondent subsequently provided goods and services pursuant to that prepaid contract for the benefit of the contract's beneficiary.

9. The 15 above referenced instances where Respondent failed to deposit funds received for prepaid funeral and cemetery goods or services occurred between July 1, 2019, and April 7, 2021.

10. At the beginning of the Department's investigation, Hutchins denied that he or Hutchins Funeral Home had any instances where they failed to deposit funds received for prepaid funeral and cemetery goods or services with an authorized escrow agent.

11. Upon the discovery of the above referenced instances, Hutchins informed the Department's investigator that Respondent's failure to properly place funds received for prepaid funeral and cemetery goods or services with an authorized escrow agent was due to a "cash flow problem."

12. As of September 8, 2021, Hutchins and Hutchins Funeral Home deposited prepaid contract funds in the amount of \$62,975.72 into an authorized escrow account.

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13. Hutchins Funeral Home failed to deposit at least \$65,704.72 received for prepaid funeral and cemetery goods or services related to fifteen prepaid contracts with an authorized escrow agent, contrary to MCL 328.222(1).

14. Hutchins Funeral Home failed to deposit at least \$65,704.72 received for prepaid funeral and cemetery goods or services related to fifteen prepaid contracts with an authorized escrow agent within 30 days of receipt, contrary to MCL 328.222(6).

15. Under section 21 of the Prepaid Act, MCL 328.231, a violation of the Prepaid Act by a person who is licensed under Article 18 of the Occupational Code is considered a violation of Article 18 of the Occupational Code, and the violator is subject to penalties under the Occupational Code.

16. Hutchins Funeral Home's conduct in failing to deposit prepaid contract funds with an authorized escrow agent represents fraud, deceit, or dishonesty in the practice of mortuary science, contrary to MCL 339.604(b).

17. Hutchins Funeral Home's conduct in failing to deposit prepaid contract funds with an authorized escrow agent demonstrates incompetence in the practice of mortuary science, contrary to MCL 339.604(g).

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18. As Hutchins Funeral Home's designated manager, Hutchins was responsible for the operation and management of Hutchins Funeral Home, including ensuring its compliance with all applicable laws under the Prepaid Act and the Occupational Code. MCL 339.1809 and Mich Admin Code, R 339.18937.

19. The allegations contained in paragraphs 2 through 16 above are incorporated by reference against Hutchins as the manager of Hutchins Funeral Home.

Based upon the above conduct, Respondents acted contrary to MCL 328.222(1) & (6) and MCL 339.604(g), constituting grounds for the assessment of a penalty, as defined in MCL 339.602. Complainant, the Department, is commencing proceedings under the Administrative Procedures Act of 1969, MCL 24.201 *et seq.* ("APA"), and the Occupational Code to determine whether disciplinary action should be taken by the Department for the reasons set forth above. The Department is commencing additional proceedings under the APA and the Prepaid Act against Hutchins Funeral Home's registration held under the Prepaid Act.

MICHIGAN DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS

BY 
Benjamin Parker
Licensing Division Director
Corporations, Securities & Commercial Licensing
Bureau

Date Signed: October 25, 2021

Responsive Pleadings Should Be Filed by U.S. Mail, Email, or Fax With:

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Regulatory Compliance Division
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